

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 36 be amended to read as follows:

- 1 Page 4, line 8, after "decedent" insert ", **other than an insurer**
- 2 **regulated under IC 27**".
- 3 Page 4, line 11, delete "ten (10)" and insert "**thirty (30)**".
- 4 Page 4, between lines 14 and 15, begin a new paragraph and insert:
- 5 "**(c) A court may, upon notice and hearing, award attorney's**
- 6 **fees and costs to a person bringing an action under subsection (a)**
- 7 **against an insurer regulated under IC 27 if:**
- 8 **(1) the insurer failed to respond pursuant to IC 27 after**
- 9 **receiving an affidavit from the person; and**
- 10 **(2) the affidavit is consistent with section 1 of this chapter."**
- 11 Page 4, line 24, after "of the decedent" insert ", **other than an**
- 12 **insurer regulated under IC 27**".
- 13 Page 4, line 28, delete "ten (10)" and insert "**thirty (30)**".
- 14 Page 4, between lines 30 and 31, begin a new paragraph and insert:
- 15 "**(c) A court may, upon notice and hearing, award attorney's**
- 16 **fees and costs to an estate bringing an enforcement proceeding**
- 17 **under subsection (a) against an insurer regulated under IC 27 if:**
- 18 **(1) the insurer failed to respond pursuant to IC 27 after**
- 19 **receiving a written demand or instruction from the personal**
- 20 **representative; and**

1 **(2) the written demand or instruction is consistent with this**
2 **article."**

(Reference is to SB 36 as printed January 17, 2014.)

Senator DELPH